



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Gray Davis  
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Ray Stroeber  
P.O. Box 104  
Topanga, CA 90290

### CONDITIONAL CERTIFICATION FOR PROPOSED ARIZONA CROSSING AT 1690 JANDO DRIVE PROJECT (Corps' Project No. 2002-00649-JLB), OLD TOPANGA CANYON CREEK, CITY OF TOPANGA, LOS ANGELES COUNTY (File No. 02-044)

Dear Mr. Stroeber:

Regional Board staff has reviewed your request for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 15<sup>th</sup>, 2002.

I hereby certify that any discharge from the Arizona Crossing at 1690 Jando Drive Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original Signed By:]

[May 6, 2002]

Dennis A. Dickerson  
Executive Officer

Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

Oscar Balaguer  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Natasha Lohmus  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Joshua Burnam  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Steven John  
U.S. Environmental Protection Agency  
c/o U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Alexis Strauss  
Director of Water Division (WTR-1)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Ken Berg  
U.S. Fish and Wildlife Service  
2730 Loker Avenue West  
Carlsbad, CA 92008

## ATTACHMENT A

### Project Information File No. 02-044

1. Applicant: Ray Stroeber  
P.O. Box 104  
Topanga, CA 90290  
Phone: (310) 455-3008 Fax: (310) 455-2128
2. Applicant's Agent: None
3. Project Name: Arizona Crossing at 1690 Jando Drive
4. Project Location: City of Topanga, Los Angeles County  
Township: T1S Range: R17W
5. Type of Project: Arizona Crossing
6. Project Description: *Purpose:* The purpose of the proposed project is to install a crossing through Old Topanga Canyon Creek  
  
*Description:* The proposed project will consist of constructing an on grade crossing across an intermittent streambed. The crossing will be approximately 20 feet wide, and the area will be grouted on grade to allow for both natural flow of the water through the streambed and permanent access to the residence.
7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 14 (Permit No. 2002-00649-JLB)
8. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement (Notification No. 5-2001-0173)
9. California Environmental Quality Act (CEQA) Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15303 (Construction of Small Structures).

## ATTACHMENT A

### Project Information File No. 02-044

10. Receiving Water: Old Topanga Canyon Creek (Hydrologic Unit No. 404.11)
11. Designated Beneficial Uses: MUN, REC-1, REC-2, WARM, COLD, WILD, MIGR, and SPWN
12. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.0184 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Crossing to be installed during the dry season, and
  - Crossing to be constructed on the existing grade in order to maintain the natural flow of the creek.
16. Proposed Compensatory Mitigation: The Applicant has not proposed any compensatory mitigation to offset the proposed permanent impacts.
- See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 02-044

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

## ATTACHMENT B

### Conditions of Certification File No. 02-044

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity, which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

## ATTACHMENT B

### Conditions of Certification File No. 02-044

8. The Applicant shall provide **COMPENSATORY MITIGATION** to offset the proposed permanent impacts to **0.0184 acres** of jurisdictional streambed by creating or restoring riparian habitat at a minimum 4:1 area replacement ratio (0.0736 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.092 acres of riparian habitat within waters of the United States. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. The Applicant shall submit a detailed Compensatory Mitigation Plan outlining how the Applicant proposes to implement the required mitigation **within ninety (90) days of issuance of this certification**, and shall be subject to Regional Board approval.
9. Any permanent structure to be placed within the stream shall be designed, constructed, and maintained so that it will not serve as a barrier to the migration of any aquatic species. If any installed structure is determined to have an adverse effect on the long term migration of aquatic species, the Applicant shall be responsible for any activities required to ensure the passage of the aquatic species.
10. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a period of **five (5) years** after planting.
11. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-044**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
12. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
13. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

## **ATTACHMENT B**

### **Conditions of Certification File No. 02-044**

- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.